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PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/088814 Filing Date **TRANSMITTAL** September 4, 2002 First Named Inventor **FORM Andrew Mortlock** Art Unit 1624 (to be used for all correspondence after initial filing) **Examiner Name** T. N. Truong Attorney Docket Number ASZD-P01-599 3 Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) to TC Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to TC Response to Restriction (Appeal Notice, Brief, Reply Brief) Petition Requirement (2 pages) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Return postcard **Express Abandonment Request** Request for Refund CD, Number of CD(s) Information Disclosure Statement Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name **ROPES & GRAY LLP** Signature - a . Eech. Printed name Jesse A. Fecker Reg. No. Date 52,883 December 17, 2004

I hereby certify that this correspondence is being deposited an envelope addressed to: MS AMENDMENT, Commission shown below. Dated:	I with the U.S. Postal Service with iner for Patents, P.O. Box 1450, Al	sufficient postage as First Class Mail, in lexandria, VA 22313-1450, on the date (Dawn Class)

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MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 21/7/04 Signal

Signature: (Dawn Class)

Docket No.: ASZD-P01-599

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mortlock et al.

Application No.: 10/088814

Confirmation No.: 2356

Filed: September 4, 2002

Art Unit: 1624

For: OUINAZOLINE DERIVATIVES AND THEIR USE

Examiner: T. N. Truong

AS PHARMACEUTICALS

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated December 2, 2004, Applicants hereby elect the claims of Group 14 (claims 19, 20, 25, 27, 29, 30, and 33-40), drawn to compounds of formula IIA or IIC where R¹, R², R³, and R⁴ independently are R¹⁵X¹, for continued examination with traverse. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Applicants respectfully traverse the Restriction Requirement, because the Restriction Requirement does not properly divide the invention. A portion of the claimed subject matter is not accounted for in the Restriction Requirement. For example, the claims of Groups 2-13 are drawn to compounds where R¹-R⁴ independently are not -X¹R¹⁵ and the claims of Group 14 are drawn to compounds where R¹-R⁴ independently are -X¹R¹⁵. This restriction scheme does not appear to account for compounds where R¹-R⁴ are a combination of -X¹R¹⁵ groups and other substituents (e.g., halogen, nitro, cyano, etc.). Applicants request that Group 14 include all compounds where at least one of R¹-R⁴ is -X¹R¹⁵. Alternatively, Applicants request a new restriction be made that properly accounts for all subject matter presently being claimed.

Moreover, the Examiner is referred to the International Search Report, where the subject matter of all claims was searched simultaneously. Because all claims were searched therein, it is not credible that search and examination of the entire claim set presents an unreasonable burden. According to MPEP § 803, "[i]f the search and examination of an entire application can be made without serious burden, the

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examiner must examine it on the merits, even though it includes claims to independent or distinct inventions". Accordingly, Applicants respectfully request that the claims of Groups 1-13 be recombined with the claims of Group 14.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. ASZD-P01-599 from which the undersigned is authorized to draw.

Dated: December 17, 2004

Respectfully submitted,

Jesse A. Fecker

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Attorneys/Agents For Applicant